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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,205	06/17/2005	Benoit De Boursetty	102114.00033	2341

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HOLLAND & KNIGHT LLP  
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BOSTON, MA 02116-3889

EXAMINER
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YOUSSEF, ADEL Y

ART UNIT	PAPER NUMBER
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2618

MAIL DATE	DELIVERY MODE
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05/08/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/539,205	<b>Applicant(s)</b> DE BOURSETTY ET AL.	
	<b>Examiner</b> ADEL YOUSSEF	<b>Art Unit</b> 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06/17/2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

**Supplemental Action**

1. This action is in response to the arguments filed on 11/04/2008. This action is made **FINAL**.

***Response to Arguments***

2. Applicant's arguments have been fully considered, but are not persuasive. Therefore, this action is made final.
3. ***With respect to claim 1, Applicant argues that*** Gong does not provide a teaching that the applications belonging to a second family have a priori a lower degree of confidence than the first family. ***Examiner disagrees because*** Gong does provide a teaching that the applications belonging to a second family (web browser, Fig. 1, #22) have a priori a lower degree of confidence than the first family (applets, Fig. 1, #24), the applet originating the request has been signed (higher degree of confidence).
4. ***With respect to claim 1, Applicant argues that*** Gong does not provide a teaching of a control layer included in a network access unit that examines and forces a request originating from an application to include a mark associated with an application family, nor anything related to performing operations for checking the presence of a mark and introducing, if necessary, such a mark. . ***Examiner disagrees because*** Gong does provide a teaching that shows the limitation of "forcing at least

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one request originating from an application of the second family” Gong shows that request from applet (#54, see figure 3). Therefore, Gong shows the limitation of “transmitted over the network to the second unit, to include a mark associated with the second family” Gong shows the applet is required signature (mark) to target server (#56, figure 3) and. Gong shows the applet originating the request has been signed (mark) If it is signed (mark) ***also with respect to claim 14.***

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Kandala was not used to teach the mark limitation, Gong teach the signature (mark) to target server.

**5. With respect** Motivation was not proper to companied Mi reference together with Gong and Kandala. **Examiner disagrees because** Mi reference with Gong and Kandala thereby providing enhanced security signature to notifies the user of client computer that a Java applet seeks access to information).

**6. with respect to claim 6,** Mi teach a mark associated with the first family (the signed Java applet); generating forcing at least one second request originating from an application of the second family (Browser 404 includes Java applet

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authorization agent 421, which notifies the user of client computer 405), (Paragraphs 42, 43, see figures 1, 4)

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-5, 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gong et al (U.S. Patent No: 6324574) in view of Kandala et al. (U.S. Patent No: 4476580).

**Examiner Notes**

3. Examiner cites particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner

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Regarding claim 1, Gong teach a method of communication between a first unit (figure 1, #14) and a second unit (figure 1, #10) via a telecommunications network, in which the first unit comprises applications (figure1 # 21) belonging respectively to a first family (figure 1, #22) and a second family (figure 1, #24) having a priori a lower degree of confidence than the first family; and except for network access resources enabling the applications of the first and second family to communicate through the telecommunications network, the network access resources including a control layer, the method comprising: generating at least one request originating from an application of the second family, for transmission over the network to the second unit and processing said request in the control layer to force the request as transmitted over the network to include a mark associated with the second family of applications. However Kandala teach network access resources enabling the applications of the first and second family to communicate through the telecommunications network, the network access resources including a control layer, the method comprising: generating at least one request originating from an application of the second family, for transmission over the network to the second unit and processing said request in the control layer to force the request as transmitted over the network to include a mark associated with the second family of applications (paragraph 14, 21, 31, 41, see figure 1). Therefore, it would have been obvious to one of ordinary skills in the art at the time of invention to modify the method of Gong to include a control layer as taught by Kandala in order to grant or deny the request, thereby improving more customer service.

Claim 2 (canceled).

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Regarding claim 3, Gong teach the method according to claim 1, wherein the processing of said request comprises ensuring that said mark, includes an indication of the nature and/or origin of said application of the second family (figure 3, # 54, #56 and #58; column 3, lines 1-25, and column 4, lines 15-35, Gong teaches that the second family (applet application #24) sending request over the network required mark #56, if it didn't get signed will force to go to establish connection with relay server #60).

Regarding claim 4, Gong further teaches the method according to claim 3, wherein said application of the second family being signed, the mark included in the requests that originated therefrom is forced to include data relating to the certification of the signature (figure 3, # 54, #56 and #58; column 4, lines 15-35, Gong teaches that the second family (applet application #24) sending request over the network required signature #56).

Regarding claim 5, Gong further teaches the method according to claim 3, wherein the said application of the second family having been downloaded via the network from a download address, the mark included in the requests that originated therefrom is forced to include data relating to the download address of the application (column 4 lines 50-65 Gong teaches the second family downloaded via the network from a download address (network address) and, the second family (applet application #24) sending request over the network required signature #56).

Regarding claim 12, Gong teach the method according to any claim 1, wherein the network access resources comprise a virtual machine (See Figure 3 # 54 and # 56) comprises in which

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the requirement relating to the mark is controlled by a software belonging to a said virtual machine the applications of the second family being able to access the network only via the virtual machine and said software. (See Figure 1 # 20 and see Figure 3 #60; column 1 lines 40-66 and column 2 lines 1-15, 50-65) Gong teaches that the mark by two way, one-way by the web browser software (e.g., Netscape, Lynx, or Microsoft Internet Explorer) and, the other way by Java applets except the control layer. However Kandala teach control layer (paragraph 14, 21, 31, 41, see figure 1). Therefore, it would have been obvious to one of ordinary skills in the art at the time of invention to modify the method of Gong to include a control layer as taught by Kandala in order to grant or deny the request, thereby improving more customer service.

Regarding claim 13, Gong further teaches the method according to claim 12, wherein the virtual machine is a Java virtual machine. (Column 2, lines 4-10 and 60-65; column 3, lines 35-40 Gong teaches that for security reasons, Java applets downloaded to the web server can only make socket connections back to the web server).

Regarding claim 14, Gong teach A communication terminal, comprising- applications belonging respectively to a first family and a second family having a priori a lower degree of confidence than the first family; and network access resources enabling the applications of the first and second family to communicate through a telecommunications network with at least one remote unit, except for the network access resources including a control layer, wherein the control layer is means for communicating are adapted to examine a request originating from an application of the second family for transmission over the network to



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the remote unit so that the request transmitted over the network includes a mark associated with the second family of applications. However Kandala teach the network access resources including a control layer, wherein the control layer is means for communicating are adapted to examine a request originating from an application of the second family for transmission over the network to the remote unit so that the request transmitted over the network includes a mark associated with the second family of applications (paragraph 14, 21, 31, 41, see figure 1).

Therefore, it would have been obvious to one of ordinary skills in the art at the time of invention to modify the method of Gong to include a control layer as taught by Kandala in order to grant or deny the request, thereby improving more customer service.

Regarding claim 15, Gong teach A communication terminal, comprising-

belonging respectively to a first family and a second family having a priori a lower degree of confidence than the first family; and network access resources enabling the applications of the first and second family to communicate through a telecommunications network with at least one remote unit, except for the network access resources including a control layer, wherein the control layer is means for communicating are adapted to examine a ~~at least one~~ request originating from an application of the second family for transmission over the network to the remote unit so that the request as~ transmitted over the network does not include a mark associated with the first family, said mark being included in at least some of requests transmitted over the network and originating from applications of the first family. However Kandala teach the network access resources including a control layer, wherein the control layer is means for communicating are adapted to examine a ~~at least one~~ request originating from an application of

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the second family for transmission over the network to the remote unit so that the request as~ transmitted over the network does not include a mark associated with the first family, said mark being included in at least some of requests transmitted over the network and originating from applications of the first family (paragraph 14, 41, see figure1). Therefore, it would have been obvious to one of ordinary skills in the art at the time of invention to modify the method of Gong to include a control layer as taught by Kandala in order to grant or deny the request, thereby improving more customer service.

Regarding claim 16, Gong further teaches the method according to claim 1, wherein each request originating from an application of the second family, transmitted over the network to the second unit, is forced to include a mark associated with the second family of applications. (Column 4, lines 15-35; Gong teaches that the second family (applet application #24; See Figures 1, and 3) (applet application #24) Gong teaches receive resource request from applet to include a mark #56 to the second unit #58.

5. Claims 6-11, 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gong et al (U.S. Patent No: 6324574) and Kandala et al. (U.S. Patent No: 4476580) in view of Mi et al. (PGPUB No: 2002/0116616).

Regarding claim 6, Gong and Kandala teach a method of communication between a first unit and a second unit via a telecommunications network, wherein the first unit comprises- applications belonging respectively to a first family and to a second family having a priori a lower degree of

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confidence than the first family; and network access resources enabling the applications of the first family and second family to communicate through the telecommunications network, the network access resources including a control layer, the method comprising: generating at least one first request originating from an application of the first family; transmitting the first request over the network, the first request as transmitted including except for a mark associated with the first family; generating forcing at least one second request originating from an application of the second family, for transmission over the network to the second unit and examining said second request in the control layer to force the second request as transmitted over the network not to include a mark said mark being. However Mi teach a mark associated with the first family; generating forcing at least one second request originating from an application of the second family, for transmission over the network to the second unit and examining said second request in the control layer to force the second request as transmitted over the network not to include a mark said mark being (Paragraphs 42, 43, see figures 1, 4). Therefore, it would have been obvious to one of ordinary skills in the art at the time of invention to modify the method of Gong & Kandala to include the control layer to force the second request as transmitted over the network not to include a mark said mark being as taught by Mi in order to confirm the request, thereby security of the system.

Regarding claim 7, Gong further teaches the method according to claim 6 wherein the second unit examines whether the mark is present in a request received over the network from the first unit, to assess a degree of confidence for the said request. (See Figure 3, # 54, # 56, and #58;

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column 4, lines 15-35) Gong teaches that the second unit (applet application # 24) sending request over the network required the mark # 56).

Regarding claim 8, Gong further teaches the method according the claim 7, wherein, when the mark is present the said request, the second unit also examines data included in this mark, to assess a degree of confidence to be attached to said request. (See Figure 1, second unit #12, relay server #20 and figure 3, #54, #58; column 2, lines 40-65 and column 4, lines 15-35, Gong teaches that second unite (ISP server system #12, see figure 1) by receive request form applet # 54 examine data include mark (See Figure 3, # 56, 60, 62 and 64 sending request over the network required the mark #56).

Regarding claim 9, Gong further teaches the method according to claim 8, wherein said data examined by the second unit comprises data relating to the certification of a signature of the application from which the request originated. (See Figure 3, # 54, 56, and 58; column 4, lines 15-35) Gong teaches that the second unit (ISP server system #12) sending request over the network required signature #56).

Regarding claim 10, Gong further teaches the method according to claim 8, wherein said data examined by the second unit comprise data relating to a download address of the application from which the request originated. (Column 3, lines 52-66 and column 4, lines 50-66; Gong teaches that the second unit (ISP server system #12) comprise information relating to download network address and sending request over the network required signature #56).

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Regarding claim 11, Gong further teaches the method according to claim 6, wherein the requests comprise HTTP requests and the mark is inserted in the headers of the HTTP requests. (Column 2, lines 50-60; Gong teaches that web browser software (e.g., Netscape, Lynx, or Microsoft internet Explorer that's equivalents of HTTP request).

Regarding claim 17, Gong further teaches the method according to claim 6, wherein each request originating from an application of the second family, transmitted over the network to the second unit, is forced to exclude a mark associated with the first family. (Column 2, lines 55-66, column 2, lines 40-65, and Column 4, lines 15-35; See Figure 3, # 54, #56, and 58) Gong teaches receive resource request from applet to include a mark #56 to the second unit #58.

Regarding claim 18, Gong teach the method according to claim 6, wherein the network access resources comprise a virtual machine and except for the control layer comprises software belonging to said virtual machine, the applications of the second family being able to access the network only via the virtual machine and said software. However Kandala teach the control layer comprises software belonging to said virtual machine, the applications of the second family being able to access the network only via the virtual machine and said software (paragraph 14, 21, 31, 41, see figure1). Therefore, it would have been obvious to one of ordinary skills in the art at the time of invention to modify the method of Gong to include a control layer as taught by Kandala in order to grant or deny the request, thereby improving more customer service.

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Regarding claim 19, Gong further teach the method according to claim 18, wherein the virtual machine is a Java virtual machine. (Column2, lines 4-10 and 60-65; column 3, lines 35-40 Gong teaches that for security reasons, Java applets downloaded to the web server can only make socket connections back to the web server).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure

Streble et al. (PGUB No: 2004/0205119) teach A method for capturing content development data. The method includes formatting content development data received from a Web server at a client for transmission to a tracker application. The captured content development data may be used to analyze the effectiveness of Websites.

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Lakhdar et al. (Patent No: 6968356) teach Data communication method in data processing system, involves sending message having header field specifying type of data, when communicating message directly using simulation.

Watkins et al. (PGUB No: 2004/0268145) teach Apparatus, and method for implementing remote client integrity verification .

Any response to this Office Action should be **faxed** to (571) 273-8300 or **mailed to:**

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adel Y. Youssef whose telephone number is 571-270-3525. The examiner can normally be reached on Monday to Thursday 8am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ANDERSON MATTHEW can be reached on (571)272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ADEL YOUSSEF/

Examiner, Art Unit 2618

04/06/2009

/Matthew D. Anderson/

Supervisory Patent Examiner, Art Unit 2618